

86<sup>th</sup> Legislative Session – 2011

Committee: House Commerce and Energy

Wednesday, February 02, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Solum, Chair  
P Conzet, Vice-Chair  
P Willadsen  
P Deelstra  
P Greenfield  
P Novstrup (David)  
P Jensen  
P Miller  
P Hubbel  
P Fargen  
P Hawley  
P Jones  
P Kirschman

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Solum.

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 31, 2011

Moved by: Greenfield  
Second by: Conzet  
Action: Prevailed by voice vote.

HB 1085: prohibit certain political advertising in highway rights-of-way.

Presented by: Representative Stace Nelson  
Proponents: Aaron Lorenzen, Secretary of State

MOTION: AMEND HB 1085

1085fa

On page 2, line 7, of the printed bill, after "line 7" insert "Any political sign erected in violation with this section is also in violation of chapter 12-27.".

Moved by: Willadsen  
Second by: Greenfield  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1085 AS AMENDED

Moved by: Conzet  
Second by: Jensen  
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Solum, Conzet, Deelstra, Greenfield, Novstrup (David), Jensen, Miller, Hubbel, Hawley, Jones

Voting No: Willadsen, Fargen, Kirschman

HB 1135: require certification for operators of boilers in public buildings.

Presented by: Representative Peggy Gibson  
Proponents: James Schmidt, self, Huron  
Jim Coates, self, Custer  
Opponents: Kristi Honeywell, Bureau of Administration

MOTION: DEFER HB 1135 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Willadsen  
Second by: Jensen  
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Solum, Conzet, Willadsen, Deelstra, Greenfield, Novstrup (David), Jensen, Miller, Hubbel, Fargen

Voting No: Hawley, Jones, Kirschman

HB 1174: revise certain provisions concerning alcoholic beverage licenses issued at the county fairgrounds.

Presented by: Representative Kristin Conzet

MOTION: DO PASS HB 1174

Moved by: Deelstra

Second by: Greenfield

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Solum, Conzet, Willadsen, Deelstra, Greenfield, Novstrup (David), Jensen, Miller, Hubbel, Fargen, Hawley, Jones, Kirschman

MOTION: PLACE HB 1174 ON CONSENT CALENDAR

Moved by: Jensen

Second by: Greenfield

Action: Prevailed by voice vote.

HB 1180: revise and repeal certain outdated provisions regarding land surveying.

Presented by: Representative Mark Willadsen

Proponents: Todd Kolden, Department of Labor  
Donald Jacobson, self, Fort Pierre

MOTION: DO PASS HB 1180

Moved by: Miller

Second by: Novstrup (David)

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Solum, Conzet, Willadsen, Deelstra, Greenfield, Novstrup (David), Jensen, Miller, Hubbel, Fargen, Hawley, Jones, Kirschman

MOTION: PLACE HB 1180 ON CONSENT CALENDAR

Moved by: Deelstra

Second by: Greenfield

Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Conzet

Second by: Greenfield  
Action: Prevailed by voice vote.

Diane Mellan  
Committee Secretary

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Roger D. Solum, Chair

86<sup>th</sup> Legislative Session – 2011

Committee: House Education

Wednesday, February 02, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

E Elliott  
P Haggard  
P Hunt  
P Jones  
P Killer  
P Lucas  
P Miller  
P Perry  
P Schaefer  
P Stricherz  
P Tulson  
P Vanneman  
P Venner  
P Sly, Vice-Chair  
P Brunner, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Brunner, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 31, 2011

Moved by: Hunt  
Second by: Vanneman  
Action: Prevailed by voice vote.

HB 1150: revise the calculation of the state aid to education formula by eliminating the two-year averaging option for school districts with a declining enrollment.

Presented by: Representative Jim Bolin

Opponents: Jim Hutmacher, Mid Size Schools  
Wayne Lueders, Associated School Boards of SD  
Mark Greguson, Superintendent, Chester  
Dean Christansen, Self, Clear Lake

Tammy Darnall, Department of Education answered a question.

MOTION: DEFER HB 1150 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Vanneman  
Second by: Lucas  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1150

Moved by: Perry  
Second by: Venner  
Action: Failed by roll call vote. (7-7-1-0)

Voting Yes: Haggar, Hunt, Miller, Perry, Venner, Sly, Brunner

Voting No: Jones, Killer, Lucas, Schaefer, Stricherz, Tulson, Vanneman

Excused: Elliott

THE MOTION TO DEFER HB 1150 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Vanneman  
Second by: Lucas  
Action: WAS NOT ACTED ON.

MOTION: SUBSTITUTE MOTION AMEND HB 1150

1150ca

On page 2, after line 23 of the printed bill, insert:

"

Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as follows:

Any money saved by the state due to the elimination of the two-year averaging pursuant to this Act shall be redistributed through the state aid to education foundation funding pursuant to this chapter."

Moved by: Sly  
Second by: Hunt  
Action: Failed by voice vote.

THE MOTION TO DEFER HB 1150 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Vanneman  
Second by: Lucas  
Action: PREVAILED BY ROLL CALL VOTE. (10-4-1-0)

Voting Yes: Haggar, Hunt, Jones, Killer, Lucas, Miller, Schaefer, Stricherz, Tulson, Vanneman

Voting No: Perry, Venner, Sly, Brunner

Excused: Elliott

HB 1153: prohibit the Department of Education from participating in the development or promotion of certain standards for the subject of history, and to prohibit the Board of Education from adopting certain standards for the subject of history.

Presented by: Representative Jim Bolin  
Proponents: Linda Schauer, Concerned Women For America  
Opponents: Wade Pogany, Department of Education  
Jim Hutmacher, Mid Size Schools  
Jim Hutmacher, SD Coalition of Schools

MOTION: DO PASS HB 1153

Moved by: Venner  
Second by: Vanneman  
Action: Failed by roll call vote. (7-6-2-0)

Voting Yes: Haggar, Miller, Schaefer, Stricherz, Vanneman, Venner, Sly

Voting No: Hunt, Jones, Killer, Lucas, Tulson, Brunner

Excused: Elliott, Perry

MOTION: DEFER HB 1153 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Hunt

Second by: Lucas

Action: Failed by roll call vote. (6-7-2-0)

Voting Yes: Hunt, Jones, Killer, Lucas, Tulson, Brunner

Voting No: Haggar, Miller, Schaefer, Stricherz, Vanneman, Venner, Sly

Excused: Elliott, Perry

THE CHAIR DEFERRED HB 1153

HB 1133: revise certain provisions relating to certain forms used to excuse a child from school.

Presented by: Representative Lance Russell

Proponents: Scott Woodruff, Home School Legal Defense Association  
Dale Bartscher, Family Heritage Alliance  
Ken Updike, South Dakota Christian Home Educators  
Melody Schopp, Department of Education  
Monica Tanner, Self, Rapid City  
Cindy Flakoll, Concerned Women For America  
Dick Tieszen, Sioux Falls and Rapid City School Districts

MOTION: AMEND HB 1133

1133rb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 13-27-2 be amended to read as follows:

13-27-2. Upon receipt filing of an application with a school official from the parent or guardian of the child for the reasons set forth in § 13-27-3, ~~school boards of all school districts shall excuse a child from school attendance in executive session using a case number~~ the child shall be excused, without the necessity of school board action, subject to revocation thereafter as provided in this chapter. School boards of all school districts may excuse a child from public school attendance for



the reasons set forth in §§ 13-27-6 and 13-27-6.1."

Moved by: Hunt  
Second by: Venner  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1133 AS AMENDED

Moved by: Hunt  
Second by: Haggar  
Action: Prevailed by roll call vote. (13-1-1-0)

Voting Yes: Haggar, Hunt, Jones, Killer, Miller, Perry, Schaefer, Stricherz, Tulson, Vanneman, Venner, Sly, Brunner

Voting No: Lucas

Excused: Elliott

MOTION: AMEND TITLE OF HB 1133

1133cta

On page 1, line 1, of the printed bill, delete "certain forms used" and insert "the excusal of".

On page 1, line 2, delete "to excuse".

Moved by: Sly  
Second by: Hunt  
Action: Prevailed by voice vote.

HB 1095: prohibit certain acts of sexual contact between certain school employees and students and to provide penalties therefor.

Presented by: Representative Mike Verchio  
Proponents: Dale Bartscher, Family Heritage Alliance  
Opponents: Dick Tieszen, Sioux Falls and Rapid City School Districts  
Wayne Lueders, Associated School Boards of SD  
Melody Schopp, Department of Education

MOTION: AMEND HB 1095

1095ca

On page 1, line 7, of the printed bill, after "person" insert ", other than the person's spouse,".

Moved by: Venner  
Second by: Hunt  
Action: Prevailed by voice vote.

MOTION: DEFER HB 1095 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Vanneman  
Second by: Lucas  
Action: Prevailed by roll call vote. (11-3-1-0)

Voting Yes: Hunt, Jones, Killer, Lucas, Miller, Perry, Schaefer, Stricherz, Tulson, Vanneman, Sly

Voting No: Haggard, Venner, Brunner

Excused: Elliott

MOTION: ADJOURN

Moved by: Sly  
Second by: Tulson  
Action: Prevailed by voice vote.

Joshua Klumb  
Committee Secretary

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Thomas J. Brunner, Chair

## Committee Agenda

Committee: House Judiciary  
Room: 413  
Date: Wednesday, February 2, 2011  
Time: 10:00 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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[HB 1062](#)      **adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.**

Representatives Lust, Brunner, Dryden, Moser, Perry, Rausch, and Romkema and Senators Nygaard, Nelson (Tom), Rhoden, Schlekeway, Tieszen, and Vehle

[HB 1151](#)      **provide procedures by which adopted persons may obtain their original birth certificates.**

Representatives Bolin, Blake, Feinstein, Haggar, Kirkeby, Kirschman, Liss, Munsterman, Sly, and Tornow and Senators Buhl, Adelstein, Frerichs, Fryslie, Hundstad, Kraus, Krebs, Lederman, Sutton, and Tieszen

[HB 1154](#)      **require persons convicted of crimes involving domestic abuse to support domestic abuse shelters.**

Representatives Lust, Deelstra, Fargen, Hoffman, Hunhoff (Bernie), Moser, and Novstrup (David) and Senators Cutler, Adelstein, Peters, and Vehle

[HB 1156](#)      **define intentional strangulation as aggravated assault and provide a penalty therefor.**

Representatives Lust, Deelstra, Fargen, Hoffman, Hunhoff (Bernie), Moser, and Novstrup (David) and Senators Cutler, Adelstein, Peters, and Vehle

[HB 1161](#)      **prohibit the use of certain photo radar speed detection systems and of certain photo monitoring devices to detect red light violations.**

Representatives Gibson, Boomgarden, Elliott, Haggar, Kirkeby, Olson (Betty), Russell, and Turbiville and Senators Bradford, Cutler, Krebs, Lederman, Peters, and Tidemann

[HB 1195](#)      **restrict, under certain circumstances, the creation and transfer of conservation easements.**

Representatives Russell, Olson (Betty), and Sigdestad and Senator Rhoden

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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ROGER W. HUNT, Chair

## Committee Agenda

Committee: House State Affairs  
Room: 414  
Date: Wednesday, February 2, 2011  
Time: 7:45 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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[HB 1106](#)      **provide a time period before certain action on the general appropriation bill may commence.**

Representatives Fargen, Blake, Dennert, Feickert, Gibson, Hawley, Hunhoff (Bernie), Iron Cloud III, Jones, Killer, Kirschman, Kloucek, Lucas, Sigdestad, Street, and Wismer and Senators Sutton, Buhl, and Frerichs

[HB 1107](#)      **provide for a process to limit state government spending.**

Representatives Hunhoff (Bernie), Fargen, Kirkeby, and Turbiville and Senators Sutton and Maher

[HB 1121](#)      **revise certain legislative policies relating to the establishment of legislative districts.**

Representatives Fargen, Blake, Dennert, Feickert, Gibson, Hawley, Hunhoff (Bernie), Iron Cloud III, Jones, Killer, Kirschman, Kloucek, Lucas, Sigdestad, and Wismer and Senator Frerichs

[HB 1139](#)      **remove the prohibition against certain appointive officers lobbying after completing their service in state government.**

Representatives Perry, Abdallah, Kirschman, Turbiville, Van Gerpen, and Venner and Senators Gray, Garnos, Hunhoff (Jean), and Putnam

[HB 1181](#)      **authorize the release of information related to users of certain state lodging facilities.**

Representatives Fargen, Blake, Dennert, Elliott, Feickert, Feinstein, Gibson, Hunhoff (Bernie), Jones, Kirkeby, Kirschman, Kloucek, Lucas, Schrempp, Sigdestad, and Verchio and Senators Frerichs, Bradford, Hundstad, Maher, and Sutton

[HB 1182](#)      **provide for the release of information relating to persons attending or invited to certain state-sponsored events.**

Representatives Fargen, Blake, Dennert, Elliott, Feickert, Feinstein, Gibson, Hawley, Hunhoff (Bernie), Jones, Kirkeby, Kirschman, Kloucek, Lucas, Schrempp, Sigdestad, Street, Verchio, and Wismer and Senators Sutton, Bradford, Frerichs, Hundstad, and Maher

[HJR 1002](#)      **Proposing and submitting to the electors at the next general election an amendment to Article XI of the Constitution of the State of South Dakota, relating to the limitation of expenditures for the State of South Dakota.**

Representatives Hunhoff (Bernie), Fargen, Kirkeby, and Turbiville and Senators Sutton and Maher

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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DAVID LUST, Chair